S.B. Civil Writ Petition No.6620/2007
M/s. Ankit Traders
vs
Addl. District Judge, Raisinghnagar & Anr.

Date of order : 10.12.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr. Kishan Bansal, for the petitioner.

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Nobody appeared inspite of service, hence the petition is heard.

The petitioner submitted an application seeking permission to produce form no.17, which according to the petitioner has been signed by one of the representative of the defendant's agent. Said document was not allowed to be produced on the ground that after amendment of the Civil Procedure Code, no such permission can be granted when the document has not been filed alongwith the plaint or has not been entered in the list of documents as per Order 7 Rule 14 CPC. The trial court also observed that affidavit in support of the document of the proprietor of the plaintiff firm has not been submitted.

Since the suit is at an early stage and the application has been filed before start of the evidence of the plaintiff then the trial court should not have rejected the application looking to the nature of the document sought to be produced and in

view of the contention of the petitioner that the document bears the signature of agent of the defendant.

In view of the above, the writ petition of the petitioner is allowed and the order of the trial court dated 24.8.2007 is set aside. The document is taken on record on payment of cost of Rs.1,000/-. Copy of this order be sent to the trial court forthwith.

(PRAKASH TATIA), J.

c.p.goyal/-